

REMARKS

This Response is submitted within two months of the Final Office Action dated November 2, 2005. By this Response Applicant has not amended any claims. Claims 31-41 are pending in the application and claims 31, 35, 37 and 40 are in independent form. No new claims have been added. Accordingly, no new fees are required.

In the Office Action dated November 2, 2005, the Examiner rejected claims 31-41 under 35 U.S.C. 102(b) as allegedly being anticipated by Shigeru (JP Pat. No. 11005340A). This is Applicant's first opportunity to address the merits of the Shigeru reference. Applicant respectfully disagrees with the Examiner's rejection of the claims.

With regard to each of Applicant's claims 31-36, the Examiner states that Shigeru discloses the following: claim 31, "means for maintaining plural sheets of print media"; claim 32, "wherein the means for maintaining moves a stack of print media"; claim 33, "wherein a top sheet of the stack is exposed"; claim 34, "means for maintaining supports the plural sheets"; claim 35, "means for stationarily supporting plural sheets"; and claim 36, "means for supporting supports the plural sheets". (emphasis added). The Examiner gives no specific location or reference number in Shigeru for each of

the cited claim limitations but merely states these claim limitations are shown in Shigeru's "figure 1, 3-4; abstract". The Examiner cannot give a specific location or reference number in Shigeru for each of the cited claim limitations because the Examiner's assertions are unsupported by the cited Shigeru reference.

Shigeru teaches a single sheet of paper positioned on a tray 21. In particular, the "Partial Translation of Reference 1 (JP 11-5340 A)" of Shigeru states in claim 1 that "a sheet of predetermined print paper can be placed" on an upper surface of the paper tray. (emphasis added). The Shigeru reference also states that a slide head is "brought into contact with the sheet of printing paper placed on the paper tray." (emphasis added). In paragraph [0021] Shigeru states "When the thermal head 31 is moved upward, the thermal head 31 is separated from the printing paper on the tray 21" and "When the thermal head 31 is moved downward, the thermal head 31 is brought into contact with the printing paper." (emphasis added). Similarly, the figures of Shigeru do not teach or suggest plural sheets of paper or a stack of paper. Accordingly, Shigeru does not teach or suggest "plural sheets of print media" or a "stack" of print media as recited in Applicant's claims 31-36. The Examiner is improperly reading the teachings of Applicant's

disclosure into the prior art. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference). Applicant requests the Examiner to withdraw the rejection of claims 31-36 under 102(b) and to allow these claims.

With regard to each of Applicant's claims 37-41, the Examiner states that Shigeru discloses: claim 37, "a mechanical biasing device that biases the exposed sheet perpendicular to the printzone plane"; claim 38, "wherein the support structure further includes a sheet retention device and wherein the mechanical biasing device biases the exposed sheet against the sheet retention device during printing"; claim 39, "wherein the mechanical biasing device biases the stack of sheets perpendicular to the printzone plane"; claim 40, "mechanically biasing an exposed sheet in a direction perpendicular to a printzone plane"; and claim 41, "mechanically biasing a stack of sheets in a direction perpendicular to the printzone plane". (emphasis added). The Examiner gives no specific location or reference number in Shigeru for each of the cited claim limitations but merely states these claim limitations are shown in Shigeru's

"figure 1, 3-4; abstract". The Examiner cannot give a specific location or reference number in Shigeru for each of the cited claim limitations because the Examiner's assertions are unsupported by the cited Shigeru reference.

Shigeru teaches a tray 21 and a single sheet of paper supported on a lower surface of the tray, wherein the sheet of paper remains in a single horizontal plane during printing. The Examiner does not specifically state where Shigeru teaches or suggests a mechanical biasing device that biases either a sheet or a stack of sheets perpendicular to a printzone plane. Applicant can only assume that the Examiner incorrectly appears to believe that rotation of Shigeru's arm 47 about pivot axis 51 may move tray 21, or a sheet positioned thereon, perpendicularly with respect to a printzone plane. However, upon a close inspection of Shigeru's figures 5 and 7, rotation of arm 47 about pivot axis 51 does not move tray 21, or a sheet of paper held thereon, in a direction perpendicular to a printzone plane. Specifically, tray 21, and a sheet of paper held thereon, is shown in the same position with respect to stationary member 53 in both figures 5 and 7. Moreover, the purpose of arm 47 is only described as moving a gear into and out of engagement with a mating gear 42. (Abstract) Accordingly, rotating arm 47 is not a mechanically biasing device that

biases a sheet or a stack of paper to move perpendicular to a printzone plane, as asserted by the Examiner. Applicant cannot determine any other device in Shigeru that the Examiner is referring to. Accordingly, Shigeru does not teach or suggest "a mechanical biasing device" that biases a sheet of print media to move "perpendicular to a printzone plane" as recited in Applicant's claims 37-41. Moreover, Shigeru does not teach or suggest any sheet retention device and the Examiner does not state where such a sheet retention device is shown by Shigeru. The Examiner is improperly reading the teachings of Applicant's disclosure into the prior art. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference). Applicant requests the Examiner to withdraw the rejection of claims 37-41 under 102(b) and to allow these claims.

Conclusion

Claims 31-41 are believed to be in condition for allowance and Applicants respectfully request the same. If the Examiner should have any questions regarding these remarks, a call to Applicants' counsel, Ms. Ingrid M. McTaggart at (503) 230-7934, is respectfully requested. If

the Examiner should have any other questions regarding the above referenced application, a call to Applicants' counsel Mr. Bob Wasson at (360) 212-2338, is respectfully requested.

Respectfully submitted,



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